

RESOLUTION NO. 4352

RESOLUTION OF INTENTION TO APPROVE AN
AMENDMENT TO CONTRACT BETWEEN THE
BOARD OF ADMINISTRATION OF THE
PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE

CITY COUNCIL
OF THE
CITY OF LODI

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said law; and

WHEREAS, one of the steps in the procedure to amend this contract is the adoption by the legislative body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

Miscellaneous members; (Full formula):

1. Section 21263 & 21263.1 Post retirement survivors benefit.
2. Section 21298 Increase in ordinary disability allowance.
3. Section 21380-21388 - 1959 Survivors benefit.
4. Section 21390 Additional allowance for 59 survivors.

Safety members;

1. Change formula to Full 2% @ 50.
2. Section 21380-21388 - 1959 Survivor benefits.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the above agency gives, and it does hereby give notice of intention to approve an amendment to the contract between the said governing body and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

CITY COUNCIL OF THE
CITY OF LODI

BY Alice M. Reimche
(Name)
ALICE M. REIMCHE
City Clerk

(Title)

Ayes: Councilmen - Ehrhardt, Hughes, Katzakian, Pinkerton, and Katnich
Noes: Councilmen - None
Absent: Councilmen - None

THE FOREGOING DOCUMENT IS CERTIFIED
TO BE A CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.

May 4, 1977
(Date adopted and approved)

ALICE M. REIMCHE
CITY CLERK, CITY OF LODI

Ret. Form 122

BY
DATED:

Alice M. Reimche
May 5, 1977

~~EXHIBIT ONLY~~
AMENDMENT TO CONTRACT BETWEEN THE
BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE

CITY COUNCIL
OF THE
CITY OF LODI

The Board of Administration, Public Employees' Retirement System, hereinafter referred to as Board, and the CITY COUNCIL of the CITY OF LODI, hereinafter referred to as Public Agency, having entered into a contract under date of April 27, 1966, effective June 1, 1966, and as amended effective May 1, 1970, and July 1, 1973, which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 12 are hereby stricken from said contract executed effective July 1, 1973, and are hereby replaced by the following paragraphs numbered 1 through 12 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 60 for miscellaneous members and age 50 for local safety members.
 2. Public Agency shall participate in the Public Employees' Retirement System from and after June 1, 1966 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except such as by express provision thereof apply only on the election of contracting agencies.
 3. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local policemen (herein referred to as local safety members);
 - b. Local firemen (herein referred to as local safety members);
 - c. Employees other than local safety members (herein referred to as miscellaneous members).

The following employees shall be excluded from membership in said Retirement System:

PERSONS COMPENSATED ON AN HOURLY BASIS WHO
ARE HIRED JUNE 1, 1966 OR THEREAFTER.

ELECTIVE OFFICIALS.

4. Assets heretofore accumulated with respect to members in the local Retirement System were transferred to the Public Employees' Retirement System within four months after the effective date of this contract and applied against the liability for prior service incurred hereunder. That portion of the assets so transferred which represented the accumulated contributions (plus interest thereon) required of the employees under said local system were credited to the individual membership account of each such employee under the Public Employees' Retirement System.
5. The fraction of final compensation to be provided for each year of credited prior and current service as a miscellaneous member upon retirement at normal retirement age shall be applied as provided in Section 21251.13 of said Retirement Law subject to the reduction provided therein for federal Social Security for service prior to Social Security termination.
6. The fraction of final compensation to be provided for each year of credited prior and current service as a local safety member shall be determined in accordance with Section 21252.01 of said Retirement Law.
7. Benefits paid to pensioners and annuitants under the local system on the effective date of the contract were recalculated as of such date as authorized by Section 20520 of the Government Code to conform with benefits applicable to persons retiring after the effective date of this contract except that no benefit which would have been payable under the continuation of the local system shall be reduced.
8. Public Agency, in accordance with Section 20740, Government Code, shall cease to be an "employer" for purposes of Chapter 6 of the Public Employees' Retirement Law effective as of the effective date of this amendment to this contract. Accumulated contributions of the Public Agency as of the date of such amendment shall be fixed and determined as provided in Section 20759, Government Code, and such accumulated contributions and contributions hereafter made shall be held by the Board as provided in Section 20759, Government Code.
9. The following additional provisions of the Public Employees' Retirement Law which apply only upon election of a contracting agency shall apply to the Public Agency and its employees:
 - a. Section 21361.5 (providing that years of service rendered as a member of the Local Retirement System prior to June 1, 1966 shall be included in the computation of the basic death benefit provided in Section 21361 upon the death of any member who was also a member of said local system).
 - b. Section 21222.1 (providing for increases in allowances to which the annual cost-of-living provisions apply, payable for time commencing on the first day of the calendar month coinciding with or next following the effective date of this amendment to or on account of persons retired or members deceased on or prior to December 31, 1970).

- c. Sections 21263 and 21263.1 (providing upon the death of a member who retired for service or disability for continuance of a post-retirement survivor allowance to certain survivors) for miscellaneous members.
 - d. Sections 21380-21388 (providing for allowances for survivors of members covered under the 1959 Survivor's Program upon the member's death before retirement).
 - e. Section 21390 (providing that the increased level of 1959 Survivor Benefits provided under Section 21382.2 be applicable to members of Public Agency) for miscellaneous members.
 - f. Section 21298 (providing increased non-industrial disability retirement allowances of up to fifty-percent of final compensation to members retiring after the effective date of the amendment) for miscellaneous members.
10. Public Agency shall contribute to said Retirement System as follows:
- a. With respect to miscellaneous members, the public agency shall contribute the following percentages of monthly salaries earned as miscellaneous members of said System:
 - (1) percent until June 30, 2000 on account of the liability for prior service benefits.
 - (2) percent on account of the liability for current service benefits.
 - (3) 1.000 percent on account of the liability for the 1959 Survivor program, with benefits increased in accordance with Section 21390.
 - b. With respect to local safety members, the public agency shall contribute the following percentages of monthly salaries earned as local safety members of said System:
 - (1) 11.50~~5~~ percent until June 30, 1986 on account of the liability for prior service benefits.
 - (2) 17.365 percent on account of the liability for current service benefits.
 - (3) 0.500 percent on account of the liability for the 1959 Survivor program.
 - c. A reasonable amount per annum, as fixed by Board to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or the periodical investigation and valuation required by law.
 - d. A reasonable amount as fixed by the Board, payable in one installment as the occasions arise, to cover costs of special valuations on account of employees of Public Agency, and costs of the periodical investigation and valuation required by law.

11. Contributions required by Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System, as determined by the periodical investigation and valuation required by said Retirement Law.
12. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within thirty days after the end of the period to which said contributions refer. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances, or adjustments on account of errors in contributions required of any employee may be made by direct cash payments between the employee and Board. Payments by Public Agency to Board may be made in the form of warrants, bank checks, bank drafts, certified checks, money orders, or cash.

B. This amendment shall be attached to said contract and shall be effective on the _____ day of _____.

Witness our hands this _____ day of _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CLERK
COUNCIL
CLERK

E.

Carl J. Blehinger, Executive Officer

Presiding Officer

Approved as to form:

Attest:

Legal Office, PERS

Clerk